

Deverie J. Christensen
Nevada State Bar No. 6596
JACKSON LEWIS P.C.
300 S. Fourth Street, Suite 900
Las Vegas, Nevada 89101
Tel: (702) 921-2460
Email: deverie.christensen@jacksonlewis.com

*Attorney for Defendant
Wynn Las Vegas, LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGOBERTO TORRES,

Plaintiff,

vs.

WYNN LAS VEGAS, LLC, a Nevada Limited
Liability Company; DOES I-X; ROE
BUSINESS ENTITIES I-X,

Defendants.

Case No. 2:22-cv-00999-CDS-DJA

**STIPULATION TO EXTEND
DISCOVERY**

(THIRD REQUEST)

Plaintiff Rigoberto Torres (“Plaintiff”), through his counsel Kemp & Kemp, and Defendant Wynn Las Vegas, LLC (“Defendant”), through its counsel Jackson Lewis P.C., hereby stipulate and agree to extend the discovery remaining and related deadlines for ninety (90) days. This is the parties’ third request for an extension.

A. Discovery Completed to Date.

To date, the parties have exchanged initial disclosures of documents and witnesses pursuant to FRCP 26(a)(1). Defendant has propounded written discovery including interrogatories and requests for production on November 10, 2022, and Plaintiff responded on December 22, 2022. Plaintiff served a notice to take the deposition of Defendant’s FRCP 30(b)(6) witness on March 6, 2023, to which Defendant objected, and the parties have been meeting and conferring to clarify the topics in order to identify the FRCP 30b6 witness(es) and schedule new dates for depositions of the 30b6 witness(es), as well as a date for Plaintiff’s deposition.

1 **B. Discovery Which Still Needs to Occur.**

2 Defendant intends to depose Plaintiff and complete serving third party subpoenas.
3 Plaintiff intends to take FRCP 30(b)(6) depositions once the parties have clarified the topics as
4 they continue to meet and confer on the topics. The parties may also want to exchange additional
5 discovery requests, serve additional subpoenas for documents, and depose other witnesses.

6 **C. Good Cause Supports this Request.**

7 Good cause supports the parties' request to extend discovery deadlines. The parties have
8 twice met and conferred about the topics in Plaintiff's FRCP 30b6 notice of deposition,
9 Defendant's objections, and the parties have clarified several topics. However, the parties are
10 continuing to meet and confer regarding other topics, due partly to confusion over topics that
11 were inadvertently included from another case and are being corrected by Plaintiff for final
12 discussion. The parties need time to finalize the meet and confer to identify the necessary FRCP
13 30b6 witnesses to schedule deposition dates. Defendant's counsel was in arbitration then traveled
14 out of state in March, which delayed the Parties' initial meet and confer discussion a couple of
15 weeks. Thereafter, the parties met and conferred twice, narrowed the issues, and determined there
16 were some topics inadvertently included that Plaintiff is amending for a final meet and confer for
17 the parties. However, Plaintiff's counsel was traveling out of the country from March 21 through
18 April 10 for a long-planned prepaid trip to South America. Additionally, Plaintiff's counsel has
19 been busy with court hearings including one in Reno on April 17 that required travel, 5
20 depositions in Elko over April 24-25, has filed one summary judgment opposition and has another
21 one due in two weeks as well as several Ninth Circuit Briefs due throughout the month of May.
22 This in addition to normal workers' compensation litigation in the administrative forum and
23 judicial review petitions on workers' compensation and unemployment matters in the state
24 District Court. Thus, the Parties need time to finish meeting and conferring, for Plaintiff to issue
25 an amended notice of 30b6 deposition, and to schedule dates on which Defendant's witnesses will
26 be available. Plaintiff is also finding available dates for Defendant to take Plaintiff's deposition.
27 In light of the foregoing, and the time and preparation required for depositions, the parties are
28 unable to complete depositions and written discovery in the time remaining.

D. Proposed Schedule for Completing Remaining Discovery.

Discovery Cut-Off Date – The June 19, 2023, discovery cut-off date shall be extended to September 18, 2023.

Dispositive Motions – The July 19, 2023, dispositive motions deadline shall be extended to October 17, 2023.

Pretrial Order – If no dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days after the date set for the filing of the dispositive motions, which is November 16, 2023. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision on the dispositive motions or by further order of the Court.

This stipulation and order is sought in good faith and not for the purpose of delay.

Dated this 2nd day of May, 2023.

KEMP & KEMP, ATTORNEYS AT LAW

JACKSON LEWIS P.C.

/s/ James P. Kemp

James P. Kemp, Bar #6375
7435 W. Azure Drive, Suite 110
Las Vegas, NV 89130

Attorney for Plaintiff

/s/ Deverie J. Christensen

Deverie J. Christensen, Bar #6596
300 S. Fourth Street, Suite 900
Las Vegas, Nevada 89101

*Attorneys for Defendant
Wynn Las Vegas, LLC*

ORDER

IT IS SO ORDERED:



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: May 3, 2023